

**THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT**

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23 CR 714 RWS/NCC
)	
ALAN BILL,)	
)	
)	
Defendant.)	

**DEFENDANT ALAN BILL'S
MOTION TO DISMISS FOR FAILURE TO STATE AN OFFENSE**

COMES NOW Defendant Alan Bill, by and through undersigned counsel, and requests that this Court dismiss the Indictment (Doc. #12) for failure to state an offense. In support of his motion, Mr. Bill states as follows:

1. On December 20, 2023, the Grand Jury returned an indictment against Alan Bill for conspiracy, distribution of controlled substances, identity theft, and aggravated identity theft. *See* Indictment (Doc. #12).

2. The Indictment alleges that Mr. Bill “began creating” an online marketplace called the “Kingdom Market” in or around June 2020 and that he also moderated an online discussion forum where users “discuss[ed] illegal activities and ways to avoid law enforcement.” Indictment (Doc. #12) at ¶ 4.

3. The foregoing allegations are insufficient to state an offense under Federal Rule of Criminal Procedure 12(b)(3)(v).

4. First, the Indictment attempts to make Mr. Bill vicariously liable for the acts of the users that engaged in allegedly illegal conduct via the Kingdom Market. The Indictment does not

allege that Mr. Bill was directly involved in any of the transactions listed in the Indictment; it alleges only that Mr. Bill aided or abetted the underlying transactions. The Indictment fails to provide any facts or allegations to substantiate these allegations against Mr. Bill.

5. Second, the Indictment fails in almost identical ways as it attempts to criminalize Mr. Bill's alleged moderating of these online forums. Further, the attempted prosecution of Mr. Bill based on his alleged connection to these forums runs afoul of his First Amendment rights to both freedom of speech and free assembly.

6. For those reasons, the Indictment fails to state an offense and must be dismissed. *See United States v. Steffen*, 687 F.3d 1104, 1113 (8th Cir. 2012).

WHEREFORE Mr. Bill respectfully requests that this Court dismiss the Indictment for failure to state an offense, and such other and further relief as the Court deems just and proper.

Dated: October 3, 2024

Respectfully Submitted,

BRYAN CAVE LEIGHTON
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/s/ Richard E. Finneran
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Attorneys for Alan Bill

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of October, 2024, a true and correct copy of the foregoing document was served on counsel for Defendants via electronic mail.

Respectfully submitted,

/s/ Richard E. Finneran
Richard E. Finneran